

**REMARKS**

The Final Office Action mailed January 22, 2004, has been received and reviewed. Claims 1 through 13, 16, 19, 22, 25 through 27, and 29 through 31 are currently pending in the application. Claims 1 through 13, 16, 19, 22, 25 through 27, and 29 through 31 stand rejected. Applicant proposes to amend claims 7 through 13, 16, 19, 22, 25 through 27 and 29 through 31, and respectfully requests reconsideration of the application as proposed to be amended herein.

Applicant notes that the proposed amendments to claims 7 through 13, 16, 19, 22, 25 through 27 and 29 through 31 include textual amendments to replace occurrences of the word “said” with the word –the–. Additionally, claims 13, 16, 19 and 22 have been amended such that the phrase “the steps of” has been removed from the transition of each claim’s preamble. Furthermore, the claims are being re-presented in accordance 37 CFR 1.173(b)(2) and (d) as required by the Examiner. Beyond the textual and formatting changes listed above, no amendments have been made to these claims relative to the previously submitted amendment mailed on August 9, 2001.

**Claim Objections**

Claims 1 through 13, 16, 19, 22, 25 through 27, and 29 through 31 were objected to under 37 CFR 1.173 as being of improper form. Applicant has resubmitted the August 13, 2001 amendments above in proper form.

Further, the Examiner has requested that an “explanation of the support in the disclosure” for all changes is required in accordance with 37 CFR 1.173(c).

Claims which have been added relative to the Patent and which are still pending include claims 7 through 13, 16, 19, 22, 25 through 27, and 29 through 31. Support for each of these claims may be found in the disclosure of U.S. Patent 5,348,164 at, for example, column 2, line 51 through col. 3, line10 and in FIG. 2. The cited passage sets forth the following:

Referring to FIG. 2, there is a sectional side view of the IC testing device 11 comprising the following elements: There is a portion of a singulation station's bottom table 44, where an IC 15 has slid down onto loading ramp or track 16. The IC will slide into testing station 18, where stop pin 22 has been inserted to stop the IC in DUT (device under test) station 20. In the DUT station, the IC is securely held in position by an extractor bar 2, insertion bar 28, and a part guide 24. Thereby, test cite station 18 will move downward and insert IC 15 into testing socket 30 ... After testing the IC, testing station 18 returns upward with the IC in the same secured position. Pin 22 will be removed to allow the IC to slide into part holding station 31. If the IC was not defective, pin 32 will be removed to allow the IC to slide onto track 36 of the IC separator station 34. While the test cite station 18 is in the up position a second IC is slid along track 16 and loaded into DUT cite 20 being readied for the next test cycle. However, if the first IC was found to be defective, pin 32 will be positioned so as to stop the IC from sliding onto track 36. Thereby, the test cite 18 will proceed to the down position to test the second IC, and simultaneously pin 32 will be removed to now allow the defective IC to slide onto track 38. The second IC has now completed its testing and is ready to proceed to the remainder of the cycle.

Applicant, therefore, respectfully submits that, with regard to claims 1 through 13, 16, 19, 22, 25 through 27, and 29 through 31, the requirements of 37 CFR 1.173(b)2 and (d), have been met and respectfully requests reconsideration and allowance of said claims.

### **Drawings**

A formal copy of FIG. 1 incorporating the amendments filed October 8, 1998 is filed herewith.

**35 U.S.C. § 251 Rejections**

The Examiner states that the 35 U.S.C. 251 improper recapture rejections have been withdrawn.

While the Examiner does not specifically mention the previous rejection under 35 U.S.C. 251 regarding claims 7 through 12, 25, 26, 29, and 30 being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee, Applicant assumes that this rejection has also been withdrawn. However, even if this rejection has not been withdrawn, Applicant submits herewith a Supplemental Reissue Declaration which has been executed by the sole inventor of the claimed invention.

Claims 1 through 13, 16, 19, 22, 25 through 27 and 29 through 31 stand rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. As noted hereinabove, a Supplemental Reissue Declaration containing the required statements is filed herewith.

Applicant, therefore, respectfully requests reconsideration and allowance of claims 1 through 13, 16, 19, 22, 25 through 27 and 29 through 31.


### ENTRY OF AMENDMENTS

The proposed amendments to claims 7 through 13, 16, 19, 22, 25 through 27 and 29 through 31, above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

### CONCLUSION

Applicant respectfully requests reinstatement of claims 1 through 4 and 6. Claims 1 through 13, 16, 19, 22, 25 through 27, and 29 through 31 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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